



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

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State Engineer

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February 7, 1994

TO THE UTAH WATER USERS ON THE WEST, MIDDLE, AND EAST FORKS OF
BEAVER CREEK:

A special distribution system meeting was held on November 2, 1993 to discuss a proposed alternative method of distributing water on the forks of Beaver Creek in Utah. This issue was again discussed at the annual meeting on February 1. At that time it was proposed that the decision be made according to a vote of the water users of Beaver Creek. Enclosed you will find a ballot for that purpose. **IT IS IMPORTANT THAT THE BALLOT BE RETURNED IN THE ENCLOSED ENVELOPE BY MARCH 15.** Also enclosed are two schedules, one for distribution according to the Proposed Determination of Water Rights and one for the proposed alternative method of one cfs per 50 acres of irrigated land. The following explanation reviews the details of the proposed change and a little background about the reason for it. This change would not be permanent at this time but would be for a trial period of one year. The results of the change would be reviewed at the annual meeting next year to determine if it should be continued.

This proposed change has been brought about by the efforts of Utah and Wyoming to follow the terms of the Colorado River Compact. Article XII of the compact (Section 73-13-10, Utah Code Annotated, 1953 as amended) states in part:

"Waters diverted from Henry's Fork, Beaver Creek, Burnt Fork, Birch Creek and their tributaries, shall be administered without regard to the state line on the basis of an interstate priority schedule to be prepared by the States affected ... "

At the present time, Utah is required by court decree to distribute water on the basis of the Proposed Determination of Water Rights which has been compiled and published for this area. According to the proposed determination, water is to be delivered within specific use dates and total water use is limited to 3 acre feet per acre per year. The flow rates allowed are those listed for each water right. On the other hand, Wyoming distributes water on the basis of one cfs per 70 acres of irrigated land without a set irrigation season. The differences between these two systems make it difficult to administer the streams as directed by the compact without regard to state line.

In looking for ways to follow the compact and create a distribution plan that can be followed in both states, it appears it would be easiest if the distribution rules in Utah could be changed. The Utah method of distribution can be modified if all



the water users on Beaver Creek agree to the change. If any water user does not agree with the change, then water must be distributed according to the Proposed Determination. Changing the way water is distributed would not modify the water rights of the water users.

If the water users decide to continue with distribution based upon the Proposed Determination of Water Rights, the following rules will be used by the commissioner:

- 1) The 3 acre feet per acre duty will be enforced.
- 2) When the water is available, the water users will be able to divert water at the flow rate shown in the water right.
- 3) Wyoming water users may be given double allotments before any extra water is delivered to Utah water users.
- 4) When extra flow is available to Utah water users during high runoff, they will be able to divert flows in excess of the flow rate on their water right. However, only the amount of water which would have been diverted under the water right flow will be counted towards the 3 acre feet per acre limitation.

If the water users decide to adopt the proposed change, the following rules will be used by the commissioner:

- 1) The 3 acre feet per acre duty would not be enforced.
- 2) During times of normal diversion, water users would be kept to a maximum diversion rate of one cfs per 50 acres. If the water right flow rate works out to be less than $1/50$ (for example $1/60$) the diversion rate would be limited to that flow rate. The flow rate would be based on the acres of irrigation described in the Proposed Determination.
- 3) During high runoff, extra water would be given to Utah users on the same basis as Wyoming users. At these times water users would be able to divert at rates higher than $1/50$ as allowed by the commissioner.
- 4) The results of distribution under this change will be reviewed at the annual meeting before deciding whether to adopt it for future years.

Under either plan the Utah users would be able to petition the State Engineer to begin irrigation before the start dates allowed

in the Proposed Determination. However, if water users stay with the Proposed Determination method of distribution, water diverted during this early start must be counted towards the 3 acre foot per acre limitation.

The enclosed distribution schedules show water rights as they are of record in the Division of Water Rights. The rights are listed by ditch and by priority within the ditch. The lists show the flow that could be diverted by each right and the cumulative flow that could be diverted by each ditch. The number of acres associated with each right are also shown. These acre amounts were used to calculate the flow rates on the 1/50 alternative.





Please complete the enclosed ballot and return it to the Division of Water Rights as soon as possible, at the latest before March 15, 1994. A stamped return envelope is enclosed for your use. It is important that all ballots be completed and returned to the Division. It will be assumed that water users who do not return their ballots are in favor of the change.

If you have any questions about the proposed change or the ballot process please contact me at 538-7380 or Bob Leake at 781-5327,

Sincerely,



Lee H. Sim, P.E.
Assistant State Engineer
for Distribution

cc:  Bob Leake
 Jade Henderson
 Jim Hickey
 John Yarbrough

BEAVER CREEK PROPOSED CHANGE IN DISTRIBUTION

BALLOT

Yes, I agree to changing the distribution of water on Beaver Creek to the 1/50 method. I understand this change will be for one year and the results will be reviewed before a permanent change is made.

No, I do not agree to changing the distribution of water on Beaver Creek to the 1/50 method. I desire that distribution be according to the requirements of the Proposed Determination of Water Rights for this area.

Signed _____
Beaver Creek Water User

Date _____

BEAVER CREEK

WEST FORK BEAVER CREEK 3 Ac-Ft per Acre Duty

DITCH PERMIT #	PRIORITY	NAME	CFS	CUMULATIVE	SOLE SUP. ACRES
Bullock Ditch					
1202	08-01-1899	Bullock, Roy & Ida	2.50	2.50	141.82
1527	08-01-1899	Bullock, I. Owen (Estate)	2.00	4.50	134.29
1528	08-01-1899	O'Neil, Velma Bullock	3.00	7.50	181.80
1427	06-00-1911	Bullock, Roy & Ida	1.17	8.67	66.37
1535	06-00-1911	Clyde, James W. & Larry	7.01	15.68	600.00
1325	08-09-1911	O'Neil, Velma Bullock	0.29	15.97	17.57
1430	08-09-1911	Clyde, Don	1.20	17.17	106.85
1430	08-09-1911	Olsen, J. Alden (Family Trust)	0.53	17.70	30.01
1536	08-09-1911	Bullock, I. Owen (Estate)	2.59	20.29	173.90
1329	01-00-1913	Bullock, I. Owen (Estate)	2.10	22.39	141.00
1433	01-00-1913	Bullock, Roy & Ida	1.50	23.89	85.09
3129	10-11-1967	Buckley Harry D.	8.00	31.89	250.00
New Hickey Ditch					
1958	1882	Wadsworth, Glen T. & Fay T.	0.07	0.07	2.80
1533	1885	Wadsworth, Glen T. & Fay T.	3.00	3.07	150.00
Parley Madsen Ditch					
1413	00-00-1905	Hickey, Joe C. & Erma	2.75	2.75	139.99
East Hickey Ditch					
1233	1882	Hickey, Joe C. & Erma	2.56	2.56	128.47
Whipple Ditch					
1951	06-06-1899	Bullock, Larry R. & Arleta	2.00	2.00	146.58
1534	1900	Bullock, Larry R. & Arleta	2.00	4.00	146.58
1428	1902	Olsen, J. Alden (Family Trust)	3.00	7.00	169.86
1423	1906	Bullock, Larry R. & Arleta	2.50	9.50	183.23
Carter Ditch					
2627	1895	Clyde, James W. & Larry	0.35	0.35	14.16
1394	1895	Hickey, Joe C. & Erma	1.05	1.40	44.05
1401	06-20-1908	Smith, Eleanor N.	0.47	1.87	23.50
J&E Hickey Ditch (Upper)					
1396	1882	Hickey, Joe C. & Erma	0.10	0.10	3.26
Hickey, Buckley-Smith Ditch					
1231	1882	Hickey, Joe C. & Erma	0.45	0.45	23.18
1522	1882	Buckley, Harry D. & Marrietta	0.53	0.98	27.60
H&M Buckley Ditch (Upper)					

1523	1882	Buckley, Harry D. & Marrietta	1.43	1.43	71.60
J&E Hickey Ditch (Lower)					
1955	1882	Hickey, Joe C. & Erma	0.21	0.21	10.40
H&M Buckley-J&E Hickey Ditch (aka Buckley-Hickey)					
1952	1882	Clyde, James W. & Larry	1.01	1.01	59.70
1953	1882	Clyde, James W. & Larry	0.04	1.05	1.80
H&M Buckley Ditch (Lower)					
1521	1882	Clyde, James W. & Larry	0.10	0.10	1.00
			TOTAL	55.51	

MIDDLE FORK BEAVER CREEK
3 Ac-Ft per Acre Duty

DITCH PERMIT #	PRIORITY	NAME	CFS	CUMULATIVE	SOLE SUP. ACRES
Big Ditch					
1965	1882	Hickey, Joe C. & Erma	3.00	3.00	130.35
1389	09-29-1915	Hickey, Joe C. & Erma	2.00	5.00	86.90
Middle Beaver Branch Gregory Canal					
1510	05-10-1910	Gregory, Francis L. (Gino F.)	2.33	2.33	47.03
1511	05-10-1910	Bullock, Pearl L. (Gino F.)	2.33	4.67	47.03
1512	05-10-1910	Carlisle, Norma S. (Gino F.)	2.33	7.00	47.03
BLM					
2422	02-00-1925	USA, BLM	1.00	1.00	18.62
Middle Beaver Ditch					
1388	03-21-1898	Hickey, Joe C. & Erma	3.00	3.00	130.35
Hickey Ditch					
1390	03-21-1898	Hickey, Joe C. & Erma	0.60	0.60	22.20
J&E Hickey (UPPER)					
1391	03-21-1898	Hickey, Joe C. & Erma	0.38	0.38	14.90
J&E Hickey (Lower)					
1392	03-21-1898	Hickey, Joe C. & Erma	0.20	0.20	4.80
			TOTAL	17.18	

EAST FORK BEAVER CREEK
3 Ac-Ft per Acre Duty

DITCH PERMIT #	PRIORITY	NAME	CFS	CUMULATIVE	SOLE SUP. ACRES
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Gregory Canal

1018	07-23-1900	Gregory, Francis L. (Gino F.)	0.67	0.67	13.44
2675	07-23-1900	Hickey, Joe C. & Erma	2.00	2.67	92.35
1151	07-23-1900	Bullock, Pearl L. (Gino F.)	0.67	3.33	13.44
1043	07-23-1900	Carlisle, Norma S. (Gino F.)	0.67	4.00	13.44
1017	05-25-1920	Carlisle, Norma S. (Gino F.)	0.72	4.72	14.44
1149	05-25-1920	Gregory, Francis L. (Gino F.)	0.72	5.43	14.44
1150	05-25-1920	Bullock, Pearl L. (Gino F.)	0.72	6.15	14.44
1516	05-25-1920	Gregory, Francis L. (Gino F.)	1.00	7.15	20.16
1517	05-25-1920	Bullock, Pearl L. (Gino F.)	1.00	8.15	20.16
1518	05-25-1920	Carlisle, Norma S. (Gino F.)	1.00	9.15	20.16

Hickey Ditch

1317	03-16-1910	Hickey, Joe C. & Erma	0.10	0.10	1.90
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J&E Hickey

1365	03-16-1910	Hickey, Joe C. & Erma	0.25	0.25	8.90
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TOTAL 9.50

GRAND TOTAL 82.19

BEAVER CREEK

WEST FORK BEAVER CREEK Maximum Duty of 1/50

DITCH PERMIT #	PRIORITY	NAME	CFS	CUMULATIVE	SOLE SUP. ACRES
Bullock Ditch					
1202	08-01-1899	Bullock, Roy & Ida	2.50	2.50	141.82
1527	08-01-1899	Bullock, I. Owen (Estate)	2.00	4.50	134.29
1528	08-01-1899	O'Neil, Velma Bullock	3.00	7.50	181.80
1427	06-00-1911	Bullock, Roy & Ida	1.17	8.67	66.37
1535	06-00-1911	Clyde, James W. & Larry	7.01	15.68	600.00
1325	08-09-1911	O'Neil, Velma Bullock	0.29	15.97	17.57
1430	08-09-1911	Clyde, Don	1.20	17.17	106.85
1430	08-09-1911	Olsen, J. Alden (Family Trust)	0.53	17.70	30.01
1536	08-09-1911	Bullock, I. Owen (Estate)	2.59	20.29	173.90
1329	01-00-1913	Bullock, I. Owen (Estate)	2.10	22.39	141.00
1433	01-00-1913	Bullock, Roy & Ida	1.50	23.89	85.09
3129	10-11-1967	Buckley Harry D.	5.00	28.89	250.00
New Hickey Ditch					
1958	1882	Wadsworth, Glen T. & Fay T.	0.06	0.06	2.80
1533	1885	Wadsworth, Glen T. & Fay T.	3.00	3.06	150.00
Parley Madsen Ditch					
1413	00-00-1905	Hickey, Joe C. & Erma	2.75	2.75	139.99
East Hickey Ditch					
1233	1882	Hickey, Joe C. & Erma	2.56	2.56	128.47
Whipple Ditch					
1951	06-06-1899	Bullock, Larry R. & Arleta	2.00	2.00	146.58
1534	1900	Bullock, Larry R. & Arleta	2.00	4.00	146.58
1428	1902	Olsen, J. Alden (Family Trust)	3.00	7.00	169.86
1423	1906	Bullock, Larry R. & Arleta	2.50	9.50	183.23
Carter Ditch					
2627	1895	Clyde, James W. & Larry	0.28	0.28	14.16
1394	1895	Hickey, Joe C. & Erma	0.88	1.16	44.05
1401	06-20-1908	Smith, Eleanor N.	0.47	1.63	23.50
J&E Hickey Ditch (Upper)					
1396	1882	Hickey, Joe C. & Erma	0.07	0.07	3.26
Hickey, Buckley-Smith Ditch					
1231	1882	Hickey, Joe C. & Erma	0.45	0.45	23.18
1522	1882	Buckley, Harry D. & Marrietta	0.53	0.98	27.60
H&M Buckley Ditch (Upper)					

1523	1882	Buckley, Harry D. & Marrietta	1.43	1.43	71.60
J&E Hickey Ditch (Lower)					
1955	1882	Hickey, Joe C. & Erma	0.21	0.21	10.40
H&M Buckley-J&E Hickey Ditch (aka Buckley-Hickey)					
1952	1882	Clyde, James W. & Larry	1.01	1.01	59.70
1953	1882	Clyde, James W. & Larry	0.04	1.05	1.80
H&M Buckley Ditch (Lower)					
1521	1882	Clyde, James W. & Larry	0.02	0.02	1.00
			TOTAL	52.14	

MIDDLE FORK BEAVER CREEK
Maximum Duty of 1/50

DITCH PERMIT #	PRIORITY	NAME	CFS	CUMULATIVE	SOLE SUP. ACRES
Big Ditch					
1965	1882	Hickey, Joe C. & Erma	2.61	2.61	130.35
1389	09-29-1915	Hickey, Joe C. & Erma	1.74	4.35	86.90
Middle Beaver Branch Gregory Canal					
1510	05-10-1910	Gregory, Francis L. (Gino F.)	0.94	0.94	47.03
1511	05-10-1910	Bullock, Pearl L. (Gino F.)	0.94	1.88	47.03
1512	05-10-1910	Carlisle, Norma S. (Gino F.)	0.94	2.82	47.03
BLM					
2422	02-00-1925	USA, BLM	0.37	0.37	18.62
Middle Beaver Ditch					
1388	03-21-1898	Hickey, Joe C. & Erma	2.61	2.61	130.35
Hickey Ditch					
1390	03-21-1898	Hickey, Joe C. & Erma	0.44	0.44	22.20
J&E Hickey (UPPER)					
1391	03-21-1898	Hickey, Joe C. & Erma	0.30	0.30	14.90
J&E Hickey (Lower)					
1392	03-21-1898	Hickey, Joe C. & Erma	0.10	0.10	4.80
			TOTAL	10.98	3670.4 reduction

EAST FORK BEAVER CREEK
Maximum Duty of 1/50

DITCH PERMIT #	PRIORITY	NAME	CFS	CUMULATIVE	SOLE SUP. ACRES
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Gregory Canal

1018	07-23-1900	Gregory, Francis L. (Gino F.)	0.27	0.27	13.44
2675	07-23-1900	Hickey, Joe C. & Erma	1.85	2.12	92.35
1151	07-23-1900	Bullock, Pearl L. (Gino F.)	0.27	2.38	13.44
1043	07-23-1900	Carlisle, Norma S. (Gino F.)	0.27	2.65	13.44
1017	05-25-1920	Carlisle, Norma S. (Gino F.)	0.29	2.94	14.44
1149	05-25-1920	Gregory, Francis L. (Gino F.)	0.29	3.23	14.44
1150	05-25-1920	Bullock, Pearl L. (Gino F.)	0.29	3.52	14.44
1516	05-25-1920	Gregory, Francis L. (Gino F.)	0.40	3.92	20.16
1517	05-25-1920	Bullock, Pearl L. (Gino F.)	0.40	4.33	20.16
1518	05-25-1920	Carlisle, Norma S. (Gino F.)	0.40	4.73	20.16

Hickey Ditch

1317	03-16-1910	Hickey, Joe C. & Erma	0.04	0.04	1.90
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J&E Hickey

1365	03-16-1910	Hickey, Joe C. & Erma	0.18	0.18	8.90
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TOTAL

4.95

48%
Red.

GRAND TOTAL

68.07

1790 Red. 10% GINO F
7% OTHER

BALLOT & SCHEDULES WERE SENT TO THE UTAH WATER USERS ON THE WEST,
MIDDLE, AND EAST FORKS OF BEAVER CREEK 2/15/94.

UNITED STATES FOREST SERVICE
RICHARD ZOBELL
PO 129
MOUNTAIN VIEW WY 82939

MR DARREL EYRE
LYMAN GRAZING ASSOCIATION
LYMAN WY 82937

MR GINO FOIANINI
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PO 24
LONETREE WY 82936

CC:
BOB LEAKE, VERNAL REGIONAL OFFICE

MR JIM HICKEY
BOX 13
LONE TREE WY 82936

MR JADE HENDERSON SUPERINTENDENT
WATER DIVISION NO 4
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MR JOHN YARBROUGH
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